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PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Exploitation of child labour

Report by the Secretary-General

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I. INTRODUCTION

1. At its fiftieth session, the General Assembly adopted resolution 50/153 of 21 December 1995 on the rights of the child, in which, inter alia, it called upon Governments to take legislative, administrative, social and educational measures to ensure the protection of children from economic exploitation, in particular the protection from performing any work that was likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. The Assembly also urged Governments to take all necessary measures to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery.

2. In paragraph 22 of the same resolution, the General Assembly requested the Secretary-General, in cooperation with the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF) and other relevant actors, to report on current initiatives and programmes of the United Nations and its affiliated agencies addressing the exploitation of child labour and on how to improve cooperation at the national and international levels in this field.

3. The present report is submitted in pursuance of the above request of the General Assembly. The report begins with a brief overview of the phenomenon of the exploitation of child labour followed by a review, in section III, of current international initiatives and programmes aimed at combating the exploitation of child labour. Section IV presents proposals on how to improve cooperation in order to better combat the exploitation of child labour at the national and international levels are elaborated.

II. BRIEF OVERVIEW OF THE PHENOMENON

4. According to the International Labour Organization, the extent of child labour in figures is hard to gauge, since the necessary statistics are scarcely available anywhere. However, surveys carried out in several countries and available statistics indicate that there are tens or even hundreds of millions of children working today throughout the world. The lack of reliable and comparable statistical data also makes it impossible to assess the trend of child labour over time. According to some experts, the proportion of working children has increased in various parts of the world in the last 15 years owing to factors encouraging the supply of child labour.

5. Child labour is a problem not only in terms and proportion of children affected, but also, and more importantly, in terms of the risks and abuse to which those children are exposed at work. First, many children are put to work at a very early age, often as young as they are 5 or 6 years. Secondly, work is often a permanent activity, takes up long hours each day and is therefore difficult to reconcile with school attendance. While it is true that many children who work continue to attend school, it is just as true that many others, 30 to 50 per cent of the working children, depending on the country, stop going to school altogether. Thirdly, many children work under conditions that seriously impair their dignity and physical and/or emotional development.

In recent years, the international and national communities have regularly denounced the bonded labour to which millions of children are subject, the trafficking in children from rural areas or neighbouring countries for employment or prostitution in cities and the severe ill-treatment of street children.

6. The World Congress against the Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996, firmly condemned the use and abuse of children, who are commonly treated as a cheap labour force and as commercial objects.

7. It should be noted that the United Nations and the relevant specialized agencies as well as non-governmental organizations (NGOs) have devoted considerable time and energy in combating all forms of exploitation of children.

III. INITIATIVES AND PROGRAMMES

A. International human rights instruments

1. Convention on the Rights of the Child

8. The coming into force of the Convention on the Rights of the Child constitutes an important development in the struggle against child labour through the formal legal commitment undertaken by the quasi-totality of the world community (178 States) to protect and promote the rights of the child. The Convention currently represents the most comprehensive international instrument for the promotion and protection of the rights of the child which, if effectively implemented, can significantly contribute to the elimination of child labour.

9. Among the rights spelled out in the Convention, there is a specific provision in article 32 by which States parties recognize and guarantee, through legislative, administrative, social and educational measures, the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. Other international human rights instruments

10. In implementing the articles of the Convention on the Rights of the Child, including the provisions of its article 32, due regard should be given to the relevant provisions of other international instruments. A number of measures are specifically spelled out in article 32, such as the provision of a minimum age for admission to employment, of appropriate regulation of the hours and conditions of employment, and of penalties and sanctions to ensure effective enforcement. Various standards have been adopted by the ILO in these areas, including in particular the Forced Labour Convention, 1930 (No. 29), which prohibits forced labour in most of its forms, and the Minimum Age Convention 1973 (No. 138), designed to prevent the exploitation of child labour, which sets

the minimum age for work at not less than the age of completion of compulsory schooling and in any case not less than 15 years (14 years for developing countries) and for work likely to harm health, safety or morals, at no less than 18 years.

11. Mention should also be made of the provisions of article 10, paragraph 3, of the International Covenant on Economic, Social and Cultural Rights, calling for the protection of children from economic and sexual exploitation, and making punishable by law children's employment in work harmful to their morals or health or dangerous to life or likely to hamper their development. Equally, article 8 of the International Covenant on Civil and Political Rights prescribes the prohibition of slavery and the slave trade in all their forms as well as recognizing the right of everyone not to be held in servitude.

12. The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted in 1949, requires States parties to introduce measures designed to prevent prostitution and rehabilitate prostitutes and to check the traffic in persons for the purpose of prostitution. The 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, which has broadened the definition of slavery initially provided in the 1926 Slavery Convention drawn up by the League of Nations, also calls upon States parties to take all practicable and necessary legislative and other measures to bring about, inter alia, the abolition of institutions and practices whereby a child is delivered to another person with a view to the exploitation of the child or his/her labour.

3. World Conference on Human Rights

13. The Vienna Declaration and Plan of Action (1993) also contains a number of references to issues relating to children's rights particularly as regards action to be taken to combat exploitative child labour, including the following:

> "The World Conference on Human Rights urges all States, with the support of international cooperation, to address the acute problem of children under especially difficult circumstances. Exploitation and abuse of children should be actively combated, including by addressing their root causes. Effective measures are required against ... harmful child labour ..."
>
> "The World Conference on Human Rights recommends that matters relating to human rights and the situation of children be regularly reviewed and monitored by all relevant organs and mechanisms of the United Nations system and by the supervisory bodies of the specialized agencies in accordance with their mandates."
>
> "The World Conference urges all nations to undertake measures to the maximum extent of their available resources, with the support of international cooperation ... The Conference calls on States to integrate the Convention on the Rights of the Child into their national action plans. By means of these national action plans and through international efforts,

particular priority should be placed ... on providing access to ... basic education". 1/

14. Within the context of the satellite meetings organized prior to the World Conference on Human Rights, a regional seminar on the subject of children in bondage was held at Islamabad, Pakistan, from 23 to 26 November 1992. At the meeting, which was organized by the ILO in collaboration with the Centre for Human Rights, a programme of action against child bondage was adopted. The programme of action endeavoured to provide an overview of the problem of child bondage as well as the measures required to combat this basic violation of children rights. A number of suggestions were formulated as regards a framework for policy measures and action to be taken in the field of legislation and its enforcement. The programme also outlined the educational, training and rehabilitation activities, community mobilization and information campaigns which should be undertaken. It was suggested that this regional programme of action should be followed by the development of national programmes of action.

B. International human rights mechanisms

1. International Labour Organization

15. A number of the international instruments adopted under the auspices of the International Labour Organization have established monitoring bodies to scrutinize the situation at the national level and to seek preventive and remedial measures against exploitative child labour. The ILO has also created several mechanisms to supervise compliance of its various conventions and to consider complaints filed by employer or worker organizations.

16. The ILO's main instrument on child labour today is the Minimum Age Convention, 1973 (No. 138), and the adoption of legislation fixing a minimum age below which children should not be allowed to engage in an economic activity has been one of the fundamental elements of a coherent national strategy against child labour. The ILO finds it regrettable that the convention has been ratified only by 49 countries, 21 of which are developing countries, and that these do not include any in Asia. This situation is considered all the more serious in view of the fact that the Copenhagen Declaration adopted by the World Summit for Social Development in March 1995 includes Convention No. 138 in the group of the ILO conventions judged essential for the defence of workers' basic rights and interests. The Office for Discussion at the Informal Tripartite Meeting at the Ministerial Level on 12 June 1996 (the Office) has appealed to those member States that have not done so to ratify this instrument. At the same time, it has requested the Governing Body to include an item on child labour in the agenda of the 1998 session of the International Labour Conference with a view to adopting new international standards on child labour. The objective is to strengthen the arsenal of ILO standards with a binding instrument geared to banning the most intolerable forms of child labour. The Office is of the view that a new convention of this kind would have a good chance of being ratified by a very large number of both industrialized and developing countries; it would also strengthen the ILO's authority in the worldwide fight against child labour and provide clear guidelines for technical cooperation.

17. The ILO has other means of assisting its member States in the field of child labour. One of them is to collect and disseminate information in a systematic manner on what is being done to reduce the extent of child labour or to improve the conditions in which children work. Another means is action-oriented research. The ILO felt it essential to strengthen the complementarity between research and technical cooperation by regularly providing ideas required for the technical cooperation projects under its International Programme on the Elimination of Child Labour (IPEC).

18. The role of technical cooperation is to bring national law and practice more in line with the models proposed by international labour standards. In the case of child labour, the proposed model is its total and effective abolition. Consequently, direct assistance provided by the ILO to member States must ensure that a real step is taken towards the abolition of child labour and, especially, that its most intolerable forms are not tolerated any longer. The pragmatic approach adopted by IPEC consists of going straight to essentials and endeavouring to put an end to forms of child labour that are manifestly harmful to them. This programme, which became operational in 1992 thanks to a generous donation from the Government of Germany, is the new framework set up by the ILO to stimulate and organize collaboration among its member States in the fight against child labour. Eight additional donors have joined the programme; from only six in 1992-1993, a total of more than 20 countries benefit from its assistance in 1996-1997; and promising results have already been achieved.

2. Commission on Human Rights

19. Upon the recommendation of the Working Group on Contemporary Forms of Slavery, the Commission on Human Rights in 1990 appointed a Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, who has contributed and continues to contribute, through reports to the Commission on Human Rights and field missions to various countries, to an increased awareness about problems concerning, inter alia, the exploitation of child labour.

20. After their elaboration by the Working Group on Contemporary Forms of Slavery, the Commission on Human Rights adopted two programmes of action respectively in 1992 and 1993 on the sale of children, child prostitution and child pornography and for the elimination of the exploitation of child labour. These programmes constitute detailed sets of measures indicating the various approaches that Governments, United Nations bodies, specialized agencies and other competent bodies including NGOs should take to implement the rights of the child in relation to the sale or sexual exploitation of children or child labour. The programmes envisage a wide range of activities in the fields of information and awareness-raising, education and training, social action and legislation. They also call for cooperation at the local, national and international levels.

3. Subcommission on Prevention of Discrimination and Protection of Minorities

(a) Working Group on Contemporary Forms of Slavery

21. The Slavery Conventions are monitored through the activities of the Working Group on Contemporary Forms of Slavery established by the Subcommission on Prevention of Discrimination and Protection of Minorities. The Working Group meets every year in Geneva to receive reports on legal standards, violations and remedial action from Governments, United Nations bodies, specialized agencies and other competent bodies. As stated above, the Working Group has elaborated the two programmes of action on the sale of children, child prostitution and child pornography; and for the elimination of the exploitation of child labour.

22. In accordance with Commission on Human Rights resolution 1993/79 of 10 March 1993, by which the Commission adopted the Programme of Action for the Elimination of the Exploitation of Child Labour, and in particular with its paragraph 7 in which the Commission requested all States periodically to report to the Subcommission on measures adopted to implement the Programme of Action and on the effectiveness of such measures, the Subcommission has established, through the Working Group, a follow-up of the implementation of the programmes of action by States. The first report of the Subcommission was submitted in 1994 and contained the replies of 24 States. The second report was submitted at the forty-seventh session of the Subcommission and contained replies of 5 States.

23. The Working Group considers these reports under its agenda item entitled "Review of information received regarding the implementation of the conventions and programmes of action". It has noted that, although almost all States have enacted legislation aimed at combating the exploitation of child labour the problem lay in the follow-up of the implementation of such laws. The Working Group had therefore, inter alia, encouraged States to make efforts in implementing and following up the implementation of those laws.

24. The Working Group, being very much concerned at the exploitation of child labour, has included two closely-related items in its agenda on child labour and bonded labour. The Working Group pays particular attention to all information on the issues and makes its recommendations to the Subcommission and to the Commission on Human Rights. During the last few years, it has established a very fruitful dialogue with some of the States which face the problematic situations despite their legislative efforts.

4. Committee on the Rights of the Child

25. The Committee on the Rights of the Child, through its monitoring of the implementation of the Convention on the Rights of the Child, has a unique role to play as a focal point within United Nations system-wide action. Through its reporting system, the Convention ensures a periodic assessment and evaluation of progress achieved by States parties in the implementation of the Convention. It provides the opportunity for identifying, together with other relevant United Nations organs and agencies and other competent bodies, gaps and shortcomings in

the realization of the rights of the child and for mobilizing international cooperation in order to provide technical advice or assistance when needed. The consideration of a number of initial reports submitted by Governments clearly illustrated the wide scope of child labour-related problems and justified the decision by the Committee to devote one day of general discussion, the purpose of which is to enhance a deeper understanding of the Convention, to the topic of the economic exploitation of children, including child labour.

26. In October 1995, the Committee on the Rights of the Child participated in a consultation on child labour organized in the framework of its regional consultation in the South Asian region. The consultation provided the opportunity for members of the Committee to identify the specific strategies followed in the countries concerned to prevent and combat the exploitation of children through work, to ensure the effective protection of children's rights and to abolish child labour. During the debate, emphasis was placed upon the Convention as a basis for the consideration of policies designed to address child labour, due respect being paid to the general principles of non-discrimination, respect for the views of the child, survival and development of the child and the best interests of the child as a primary consideration in all measures adopted. In situations where legal work was performed, providing for minimum ages for admission to employment and for appropriate regulation of the hours and conditions of employment was of a decisive importance. The abolition of child labour was identified as an essential and urgent goal and the need was recognized for specific national strategies to be defined to achieve it, with a stress on compulsory education. The need to address the informal as well as formal sector was underlined, and the strengthening of international cooperation, in particular between UNICEF and the ILO, was encouraged as a means of fostering the realization of children's rights in that important field.

5. UNICEF

27. In accordance with article 32 of the Convention on the Rights of the Child, UNICEF supports a number of country-specific programmes which address child labour. These include education, health, street children, legislative review and programmes addressing the commercial sexual exploitation of children. Particular attention is paid to the condition of minority children, who more frequently find themselves afflicted. Initiatives such as rug-mark and a UNICEF procurement policy which bind producers of goods to a commitment not to employ child labour are being complemented by public awareness-raising efforts. As part of UNICEF's broader efforts to review its own policy and strategy vis-à-vis child labour, it sponsored a consultation in South Asia, in cooperation with the ILO, the Committee on the Rights of the Child, and NGOs. Other initiatives include the dedication of the report "The State of the World's Children 1997", to an analysis of child labour worldwide and the drafting of several papers for the World Congress against the Commercial Sexual Exploitation of Children.

IV. IMPROVING COOPERATION AT THE NATIONAL AND INTERNATIONAL LEVELS

A. Recommendations at the national level

28. The general discussion on child labour held by the Committee on the Rights of the Child produced a number of recommendations by the Committee aiming at the establishment of a national mechanism for coordinating policies with regard to protection from economic exploitation, in order to ensure a global and multidisciplinary approach in this area; the launching of wide information campaigns addressed to children, and to the public in general, and the initiation of training of special professional groups; the recognition of education as an essential preventive measure to counter situations of economic exploitation of children through making primary education compulsory and free for all children and using the Convention as an incentive to encourage the participation of children in school and social life; the protection of children against economic exploitation by strictly forbidding a number of particularly harmful activities, formulating standards or revising existing legislation in order to ensure the legal protection of the child from any form of exploitation; and the adoption of measures to ensure the rehabilitation of children who, as a result of economic exploitation, are exposed to serious physical and moral danger.

29. At the national level, the Convention on the Rights of the Child has helped to integrate child labour issues into a broader concern for children's rights, which has resulted in the passing of new legislation geared towards an improvement of the legal protection provided to the child. It has allowed for an increased awareness of and sensitization towards the problem of child labour and stimulated data collection and research on the issue, and it has encouraged Governments to rethink national development priorities and envisage global strategies for the effective enjoyment by children of all their rights.

30. For example, the Committee has suggested that through years of considerable experience accumulated by the international instruments and mechanisms concerning the question of child labour, advisory services and technical assistance have been requested not only in the area of legal reforms and preventive campaigns to address the issue of child labour but also with regard to evaluating the adequacy of measures taken to deal with issues of the exploitation of children.

31. Requests for technical assistance in the area of child labour have also been made to UNICEF. Suggestions have also been framed in more general terms with respect to international assistance to improve the situation of children in especially difficult circumstances and continuing cooperation of the Government with intergovernmental organizations and NGOs.

32. In spite of all the measures described above, efforts still need to be made to improve cooperation and coordination among the Governments concerned, national non-governmental bodies and specialized agencies which carry out projects in the country concerned.

33. At the national level, the basic legislative framework for addressing child labour issues already exists in most countries. The very complexity of the

problem requires clear political commitment, willingness and ability to take measures necessary for a dramatic reduction and the eventual elimination of the incidence of exploitative child labour. The holistic perspective of the Convention offers the framework for focusing more closely on preventive measures to address the problem and to insist that greater resources be diverted towards such preventive measures, particularly in times of economic recession when basic human needs and social priority budgets come under more severe pressure.

34. It is clear that none of the actors in the fight against child labour is able to solve it alone, and that the fight concerns everyone. Although non-governmental organizations have taken numerous initiatives, sometimes with the support of municipal authorities, the number of child workers they have reached represents an infinitesimal proportion of those needing protection. Therefore, Governments should be mobilized, through such ministries as education, health, the family, public information, and economic and social development planning. Furthermore, initiatives should not be limited to government institutions at the central State level, but should closely involve the municipal level as well. Employer's and workers' organizations also have an essential role to play (in that regard, Governments should also cooperate with trade unions and employers' organizations to address the problem of child labour) as do other NGOs, the media, universities, members of parliament and teachers. All groups of society have to be involved in the fight against child labour.

35. Governments, in cooperation with different actors, could create pilot projects geared to withdrawing children from particularly harmful work situations, first by providing them with the essential services they need, such as shelter, food and health care, and then by offering them viable alternatives, to help them to gain access to school, apprenticeship services and pre-vocational training, or another remunerated activity in a sheltered workshop. Then, the results of these projects should be evaluated.

36. Adequate training should be provided to the staff involved in combating exploitation of child labour, employees of ministries and municipalities, labour inspectors, trade unionists, representatives of employers' organizations and NGO workers.

B. Recommendations at the international level

37. The High Commissioner for Human Rights is committed to improving the protection and promotion of children's rights through increased inter-agency coordination and cooperation and to strengthening the support being given to the work of the Committee; it is therefore important to take pragmatic steps for effective cooperation. The High Commissioner, attaching great importance to the effective implementation of the rights of the child, has developed, after extensive consultations with the Committee on the Rights of the Child, a plan of action to strengthen substantive support for the Committee's work and to provide whatever resources may be necessary for the implementation of its recommendations. The implementation of the plan of action calls for increased inter-agency and non-governmental organization coordination.

38. The Committee on the Rights of the Child requested the High Commissioner to keep it informed of the progress made by States parties in implementing the recommendations of the Committee and, therefore, on any need for assistance for that purpose. This request has led to a process of interaction between the Committee, the Governments concerned, civil society and international partners.

39. With regard to technical cooperation projects provided to countries, improved coordination between the Office of the High Commissioner, the Committee on the Rights of the Child and the ILO/IPEC projects will help establish priorities. It should be noted that the Committee paid particular attention to effective national-level monitoring and coordinating mechanisms as a means to promote national implementation of the Convention. Furthermore, ILO/IPEC aims to use a dual approach to achieve the progressive elimination of child labour, first by strengthening national capacities to address child labour problems and second by creating a worldwide movement to combat child labour. In that regard, ILO/IPEC strives, inter alia, to support, rather than supplant, national efforts to combat child labour and to build sustainability into all demonstration programmes from the start and assess their potential for integration into regular programmes of the partner organizations. In that context, the Committee and ILO/IPEC should take into consideration their respective recommendations when they determine which country to support and what kind of assistance is needed.

40. The High Commissioner wishes to support the international efforts needed to make school education available to all in a concrete and effective manner in order to provide an alternative to children to exploitative labour, including prostitution. In this regard, one may recall the Committee's decision that "National development programmes should give priority to giving each child access to a good school." The High Commissioner supports the Committee's recognition of the crucial need for international cooperation in achieving this goal, involving not only UNESCO but also UNICEF, and would like to suggest the active involvement of UNDP, the World Bank and IMF as well as the donor community in such discussions.

41. Finally, international organizations may be able to make their own concrete contributions to the elimination of child labour by adopting procurement policy similar to that of UNICEF.

Notes

1/ A/CONF.157/24 (Part I), chap. III, paras. 48, 51 and 47.